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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,583	08/16/2001	Paul W. Reece	36-1474	2915

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Nixon & Vanderhye  
1100 North Glebe Road 8th Floor  
Arlington, VA 22201-4714

EXAMINER
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NGO, NGUYEN HOANG

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/913,583

Applicant(s)

PAUL W. REECE

Examiner

Nguyen Ngo

Art Unit

2663

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20050311 11/28/01</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Specification***

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

**Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Art Unit: 2663

The applicant has failed to provide headings for each section mentioned above in upper case bold type.

2. The disclosure is objected to because of the following informalities:

Case Reference A25679 should be changed to an Application Serial Number (pg.3 line 4).

There appears to be a typographical error and “data terminal 4” (pg.3 line 19) should be – data terminal 2, according to Figure 1.

There appears to be a typographical error and “data terminal 4” (pg.3 line 32) should be – data terminal 2, according to Figure 1.

There appears to be a typographical error and “both” (pg.3 lines 32-33) should be – one. The examiners believes that data terminal 2 “has only an IP interface and is connected to one of the sub domains 4a, 4b.

There appears to be a typographical error and “data terminal 4” (pg.4 lines 2, 5, and 8) should be – data terminal 2, according to Figure 1.

There appears to be an error and “sub domain 4a” (pg. 4 lines 19, 28) should simply be – sub domain. Figures 2-5 do not show the reference of “4a” and

Art Unit: 2663

should either be changed in the specification or added to the drawing of Figures 2-5.

There appears to be an error and "sub domain 4b" (pg. 4 line 21) should simply be – sub domain. Figures 2-5 do not show the reference of "4b" and should either be changed in the specification or added to the drawing of Figures 2-5.

There appears to be an error and "ATM\_GET\_SETTINGS in Figure 4" (pg.7 line 7, 14-15) should be - ATM\_GET\_SETTINGS in Figure 7. There is no indication of "ATM\_GET\_SETTINGS" in Figure 4.

Appropriate correction is required.

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

The hyperlink "<http://www.CP2.co.uk/>" (pg.4 line 33) should be deleted from the specification.

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Examiner believes that the title is too broad.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 4 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Civanlar et al. (U.S. 5,995,606), hereinafter referred to as Civanlar.

Regarding claim 1, with respects to the limitation of establishing a data flow between a customer terminal and another data terminal in which the data flow conforming to a best-effort packet routing protocol. The Examiner interprets a best-effort packet routing protocol to be the Internet. Civanlar discloses an integrated system that makes it possible to use an information network, such as the Internet (col2 line 33-35). With respects to having a flow between a customer terminal and a data terminal, Civanlar further discloses the system is based on a client-server architecture, where the client apparatus may be either a personal computer or a workstation (100, 130 of figure 1 and col2 lines 60-62). With respects to establishing a data flow, Civanlar further discloses a typical

Art Unit: 2663

client access request to a server (100 and 130 of figure 2) via Internet (150 of figure 2). In response to a user, client apparatus (100 of figure 2) establishes a connection to a server (130 of figure 2) via modem (201 of figure 2), CO, public switch network, modem, Internet service provider, and Internet (150 of figure 2, col4 lines 32-38).

With respect to the limitation of subsequently initiating from the customer terminal the use of a switched virtual circuit through the network for the data flow, the Examiner interprets the use of a switched virtual circuit through the network to be ATM. With respects to subsequently initiating from the customer terminal, Civanlar discloses that after the server completes the connection to the client that was established over Internet, a user at client apparatus may make a service request that requires a service functionality that cannot be provided by Internet (col4 lines 53-57), analogous to the use of a switched virtual circuit for data flow. The service request includes client information (e.g., client ID, phone number, billing account), which is used by the server to process the service request (col4 lines 64-66). The Examiner interprets this to in the same regards as "subsequently initiating" of claim 1. With respects to the use of a switched virtual network for data flow, Civanlar discloses that once the client-server establishes a connection and thereafter the client apparatus and server can exchange data over the switched network (col5 lines 41-47). It is further stated that the public switched network may be ATM (col2 line 39).

Art Unit: 2663

Regarding claim 4, as already mentioned, discloses the best-effort packet routing protocol be the Internet (col2 line 34 and 150 of figure 1).

Regarding claim 5, as already mentioned, discloses that the public switched network can be an ATM network (col2 line39).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 2,3,6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Civanlar et al. (U.S 5,995,606), hereinafter referred to as Civanlar.



Regarding claim 2, with respects to the limitation of communicating to the customer terminal data indicating the availability of a switched virtual circuit in the network for the said data flow prior to step b of claim 1.

Civanlar discloses that prior to the public switch connection, which the Examiner interprets as use of a switched virtual circuit, for such service requests, the server may initiate a call connection over the public switched network, and deliver information for the requested service (col3 lines 31-35). Civanlar however is silent as to, specifically indicating the availability of the connection. To include such "indication of availability" in the delivery of information for the requested service would have been obvious to one of ordinary skill as it is well-known and recognized in the art to include the "indication of availability" in such information.

Regarding claim 3, with respects to the limitation of the said data indicating availability of a switched virtual circuit comprises a URL having the format specific to resources located on a circuit-connected network. Civanlar discloses that the access by a client apparatus to a server via the Internet utilizes the Hyper Text Transport Protocol (HTTP), which is accessed using a Mosaic application program available at the client apparatus (col4 lines 38-42). Civanlar however is silent as to indicating the availability of a switched virtual circuit comprising a URL. However it is clearly known that the URLs have the basic from: "protocol://server/request-URI". That the protocol part describes how to tell

the server, which document the one may want and how to retrieve it. The server part tells the browser which server to contact, and the request-URI is the name used by the server to identify the data. The HTTP protocol is based on a request/response paradigm. It would have thus been obvious to a person skilled in the art to provide the information, including the "indication of availability" as mentioned above in claim 2, as data comprising a URL since Civanlar discloses the utilization of HTTP.

Regarding claim 6, with respects to the limitation of the terminal including a packet data interface for connection to a communication network, Civanlar discloses that each client requires two logical network interfaces and that one of these interfaces provides a connection to the Internet (col2 lines 60-64), analogous to a packet data interface, and the second interface provides a connection to a public switched telephone network (col3 lines 4-5). With respect to the limitation for initiating a switched virtual circuit in the communication network, which switched virtual circuit, in use, provides a circuit-connected path for packet data communicated via the said packet data interface, Civanlar further discloses the use of Mosaic of the World Wide Web, which provides a window-based program that provides the user easy access to various services over the Internet (col2 lines 53-55). As already mentioned, Civanlar discloses that the client apparatus connects to the server through the Internet and may request a service connection offered by the public switched network (col3

lines 20-24) and that the client can provide the necessary information that it needs to process the service request (col5 lines 11-16) for initiating the connection to the server. Civanlar however is silent on how the client provides such information needed to process the service request, but it is obvious that one may use the PC (Mosaic) and the Internet interface to initiate the service connection, analogous to a circuit-connected path for data communication.

Regarding claim 7, Civanlar further discloses the system of figure 1 enables a plurality of client computer-based apparatus to access a plurality of servers (col3 lines 17-19), analogous to the limitation of a communication network including one or more terminals.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Arango (U.S 5,732,078), On-Demand Guaranteed Bandwidth Service For Internet Access Points Using Supplemental User-Allocatable Bandwidth Network.

b) Hussmann et al. (GB 2,307,381), Data terminal connected to two networks.

Art Unit: 2663

c) Serge et al. (EP 0,836,306), System providing for multiple virtual circuits between two network entities.

d) Kaplan et al. (U.S 6,141,339), Telecommunications System.

e) Low et al. (U.S 6,798,771), Call Setup Gateway For Telecommunications System.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen Ngo whose telephone number is (571) 272-8398. The examiner can normally be reached on Monday - Friday 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2663

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NW.

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**Nguyen Ngo**

United States Patent & Trademark Office  
Patent Examiner AU 2663  
(571) 272-8398

  
RICKY NGO  
PRIMARY EXAMINER

3/21/05